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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

| | | |
|----------------------------------|---|---|
| JAMES DANIEL, |) | Case No.: 1:22-CV-01094-BAM (SS) |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | STIPULATION AND PROPOSED ORDER |
| |) | FOR AN EXTENSION OF TIME |
| KILOLO KIJAKAZI, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

Pending the Court's approval, the parties stipulate that the time for Defendant to respond to Plaintiff's Motion for Summary Judgment be extended thirty (30) days from June 5, 2023, up to and including Wednesday, July 5, 2023. This is the Defendant's first request for an extension.

Counsel for Defendant has previously been out of the office and currently has a backlog of work with several pending deadlines. Therefore, the undersigned respectfully requests a 30-day extension to complete Commissioner's Response Brief.

1 The parties further stipulate that the Court's Scheduling Order shall be modified
2 accordingly.

3 Respectfully submitted,

4 Dated: May 31, 2023

/s/ Jonathan Pena
(*as authorized via e-mail on May 31, 2023)
JONATHAN PENA
Attorney for Plaintiff

8 Respectfully submitted,

9 Dated: May 31, 2023

PHILLIP A. TALBERT
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WILLY LE
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13 By /s/ Kristine Vitemb
KRISTINE VITEMB
Special Assistant U.S. Attorney
Attorneys for Defendant

17 **ORDER**

18 Pursuant to the parties' stipulation, and cause appearing, IT IS HEREBY ORDERED that
19 Defendant shall have an extension, up to and including Wednesday, July 5, 2023, to respond to
20 Plaintiff's Motion for Summary Judgment. All other deadlines in the Court's Scheduling Order
21 are modified accordingly.

23 IT IS SO ORDERED.

24 Dated: June 1, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE